

## IN THE CLAIMS

*Please amend claims 1, 3, 6-8, 12-15, and 18-22, and cancel claims 2, 4, and 5, as follows:*

1. (Currently Amended) In a mobile communication device, a method of delivering an e-mail message through a wireless communication network comprising the acts of:

receiving, through a an e-mail graphical user interface (GUI) of the mobile communication device, e-mail message information corresponding to a new e-mail message to be delivered through the wireless communication network;

identifying, by the mobile communication device, whether a packet data ~~communication~~ service for communicating e-mail messages is made available to the mobile communication device by the wireless communication network;

~~after receiving the e-mail message information and identifying whether the data communication service is made available by the wireless communication network:~~

if the packet data service is identified as being made available in the wireless communication network:

causing, by the mobile communication device, the e-mail message information to be sent via the packet data ~~communication~~ service of the wireless communication network ~~based on the data communication service being made available by the wireless communication network as identified by the mobile communication device;~~ and

if the packet data service is identified as being made unavailable in the wireless communication network:

formatting, by the mobile communication device, the e-mail message information in an SMS-to-Email message format compatible with an SMS-to-Email service; and

~~otherwise causing, by the mobile communication device, the~~ formatted e-mail message information to be sent in ~~a short message service (SMS)~~ an SMS message through the wireless communication network via ~~an~~ the SMS-to-Email service ~~based on the data communication service being made unavailable in the wireless communication network as identified by the mobile communication device.~~

2. (Canceled)

3. (Currently Amended) The method of claim 1, wherein the act of causing the formatted e-mail message information to be sent via the SMS-to-Email service comprises the further act of causing the SMS message to be sent to a telephone number of the SMS-to-Email service.

4. (Canceled)

5. (Canceled)

6. (Currently Amended) The method of claim 1, wherein the packet data ~~communication~~ service operates in accordance with a 2.5 Generation (2.5G) compatible standard.

7. (Currently Amended) The method of claim 1, wherein the packet data ~~communication~~ service operates in accordance with a 3<sup>rd</sup> Generation (3G) compatible standard.

8. (Currently Amended) The method of claim 1, wherein the ~~acts of causing~~ act of formatting is performed by the mobile communication device without user intervention.

9. (Original) The method of claim 1, wherein the e-mail message information comprises an e-mail message body of text.

10. (Original) The method of claim 1, wherein the e-mail message information comprises an e-mail destination address.

11. (Original) The method of claim 1, wherein the e-mail message information comprises an e-mail subject line.

12. (Currently Amended) A mobile communication device, comprising:  
a receiver;  
a transmitter;  
a user interface which includes a visual display;  
one or more processors coupled to the receiver, the transmitter, and the user interface; and

the one or more processors being operative to:

receive, through ~~the~~ an e-mail graphical user interface (GUI) provided for in the visual display, e-mail message information corresponding to a new e-mail message to be delivered through a wireless communication network;

identify whether a packet data service for communicating e-mail messages is made available to the mobile communication device by the wireless communication network;

~~after receiving the e-mail message information and identifying whether the packet data service is made available:~~

~~cause the e-mail message information to be transmitted via the packet data service of the wireless communication network based on the packet data service being made available by the wireless communication network as identified by the one or more processors; and~~

if the packet data service is identified as being made unavailable in the wireless communication network by the one or more processors:

formatting, by the one or more processors, the e-mail message information in an SMS-to-Email message format compatible with an SMS-to-Email service; and

~~otherwise cause the formatted e-mail message information to be transmitted in a short message service (SMS) an SMS message of the wireless communication network via an the SMS-to-Email service based on the packet data service being made unavailable in the wireless communication network as identified by the one or more processors.~~

13. (Currently Amended) The mobile communication device of claim 12, ~~wherein the user interface comprises a graphical user interface (GUI) further comprising:~~  
causing the newly drafted e-mail message to be sent via the packet data service based on the packet data service being identified as made available.

14. (Currently Amended) The mobile communication device of claim 12, wherein the one or more processors cause the formatted e-mail message information to be transmitted via the SMS-to-Email service by being further operative to cause the SMS message to be sent to a telephone number of the SMS-to-Email service.

15. (Currently Amended) The mobile communication device of claim 12, the one or more processors being further operative to format the e-mail message information ~~in an SMS to Email message format compatible with the SMS to Email service prior to causing the e-mail message information to be transmitted in the SMS message~~ without user intervention.

16. (Original) The mobile communication device of claim 12, wherein the packet data service operates in accordance with a 2.5 Generation (2.5G) compatible standard.

17. (Original) The mobile communication device of claim 12, wherein the packet data service operates in accordance with a 3<sup>rd</sup> Generation (3G) compatible standard.

18. (Currently Amended) A computer program product comprising:  
a data storage medium;  
computer instructions stored on the data storage medium;  
the computer instructions being executable on a processor for:

receiving, through a an e-mail graphical user interface (GUI), e-mail message information corresponding to a new e-mail message to be delivered;

identifying whether a packet data communication service for communicating e-mail messages is made available to a mobile communication device by a wireless communication network;

~~after receiving the e-mail message information and identifying whether the data communication service is made available by the wireless communication network;~~

~~causing the e-mail message information to be sent via the data communication service of the wireless communication network based on identifying that the data communication service is made available by the wireless communication network; and~~

if the packet data service is identified as being made unavailable in the wireless communication network:

formatting, by the computer instructions, the e-mail message information in an SMS-to-Email message format compatible with an SMS-to-Email service; and

~~otherwise, causing the formatted e-mail message information to be sent in a short message service (SMS) an SMS message through the wireless communication network via an the SMS-to-Email service based on identifying that the data communication service is made unavailable in the wireless communication network.~~

19. (Currently Amended) The computer program product of claim 18, ~~wherein the user interface comprises a graphical user interface (GUI) of a mobile communication device~~ further comprising:

if the packet data service is identified as being made available in the wireless communication network:

causing the e-mail message information to be sent via the packet data service of the wireless communication network.

20. (Currently Amended) The computer program product of claim 18, wherein the computer instructions are further executable on a processor for causing the formatted e-mail message information to be sent via the SMS-to-Email service by causing the SMS message to be sent to a telephone number of the SMS-to-Email service.

21. (Currently Amended) The computer program product of claim 18, the computer instructions being further executable on a processor for formatting the e-mail message information in an the SMS-to-Email message format ~~compatible with the SMS-to-Email service prior to causing the e-mail message information to be sent in the SMS message~~ without user intervention.

22. (Currently Amended) The computer program product of claim 18, wherein the packet data ~~communication~~ service comprises a data packet service 3<sup>rd</sup> Generation (3G) data service.

23. (Previously Presented) A method of delivering an e-mail message through a wireless communication network comprising the acts of:

receiving, through an e-mail graphical user interface (GUI) of a mobile communication device, e-mail message information corresponding to a newly drafted e-mail message to be delivered through the wireless communication network;

identifying, by the mobile communication device, whether a packet data service for communicating e-mail messages is made available to the mobile communication device by the wireless communication network;

if the packet data service is identified as being made unavailable in the wireless communication network:

formatting, by the mobile communication device, the e-mail message information in an SMS-to-Email message format compatible with an SMS-to-Email service; and

causing the formatted e-mail message information to be sent in an SMS message of the wireless communication network via the SMS-to-Email service.

24. (Previously Presented) The method of claim 23, further comprising:

causing the newly drafted e-mail message to be sent via the packet data service based on the packet data service being identified as made available by the wireless communication network.

25. (Previously Presented) The method of claim 23, further comprising:

causing the newly drafted e-mail message to be sent via the packet data service based on the packet data service being identified as made available by the wireless communication network; and

wherein the e-mail message information comprises an e-mail destination address and an e-mail message body of text.

26. (Previously Presented) The method of claim 23, further comprising:

wherein the e-mail message information comprises an e-mail destination address and an e-mail message body of text; and

wherein the act of causing the e-mail message information to be sent via the SMS-to-Email service comprises the further act of causing the SMS message to be sent to a telephone number of the SMS-to-Email service.